

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD EDWARD SPEARMAN,

Plaintiff,

v.

PUBLIC DEFENDER'S OFFICE, et al.,

Defendants.

No. 2:21-cv-1290 AC P

ORDER

Plaintiff, a former county jail inmate proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. ECF Nos. 1, 6. This proceeding was referred to the undersigned by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1)(B).

On April 28, 2023, plaintiff filed a notice of change of address in another action he has before this court.<sup>1</sup> The address appears to be a residential one. As a result, plaintiff's in forma pauperis status must be considered in light of the fact that he is no longer incarcerated.

An individual released from incarceration must be allowed to apply to proceed under general in forma pauperis provisions of 28 U.S.C. § 1915(a)(1). See DeBlasio v. Gilmore, 315 F.3d 396, 399 (4th Cir. 2003); see also Webb v. Lambert, No. CV 12-00041-H-DLC, 2012 WL

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<sup>1</sup> Plaintiff filed the notice of change of address in Spearman v. Hillberg, No. 2:23-cv-0093 DMC.

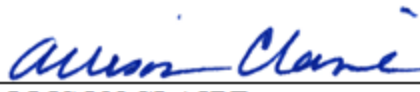
1 5931889, at \*1 (D. Mont. Aug. 29, 2012) (citing DeBlasio). That person may proceed in forma  
2 pauperis upon satisfying the poverty provisions applicable to non-prisoners. McGann v. Comm'r,  
3 Soc. Sec. Admin., 96 F.3d 29, 30 (2d Cir. 1996).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Clerk of Court shall send plaintiff a copy of the court's application to proceed in  
6 forma pauperis for non-prisoners, and

7 2. Within thirty days from the date of this order, plaintiff must complete and file the non-  
8 prisoner in forma pauperis application in this court.

9 DATED: June 26, 2023

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11 ALLISON CLAIRE  
12 UNITED STATES MAGISTRATE JUDGE  
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